

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	:	<b>Chapter 13</b>
	:	
<b>SUSAN M. BOLTZ-RUBINSTEIN,</b>	:	
	:	<b>Bky. No. 10-16541 ELF</b>
<b>Debtor.</b>	:	
<hr/>	:	
	:	
<b>SUSAN M. BOLTZ-RUBINSTEIN,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>BAC HOME LOANS SERVICING/BANK OF</b>	:	
<b>AMERICA, N.A. AND</b>	:	
<b>NATIONAL RESIDENTIAL ASSETS CORP.</b>	:	<b>Adv. No. 16-265</b>
	:	
<b>Defendants.</b>	:	
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	:	
<b>SUSAN M. BOLTZ-RUBINSTEIN,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>BANK OF AMERICA, N.A.,</b>	:	
<b>UNITED GUARANTY RESIDENTIAL</b>	:	
<b>INSURANCE COMPANY OF NORTH</b>	:	
<b>CAROLINA,</b>	:	
<b>AIG</b>	:	<b>Adv. No. 16-362</b>
	:	
<b>Defendants.</b>	:	
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## **ORDER**

**AND NOW**, upon consideration of Bank of America's Motion to Dismiss Adversary Proceeding 16-265 ("the Bank of America Motion") and United Guaranty's Motion to Dismiss Adversary 16-362 ("the United Guaranty Motion"), and for the reasons set forth in the accompanying Memorandum:

It is hereby **ORDERED** that:

1. In Adv. No. 16-265, the Bank of America Motion is **GRANTED IN PART and**

**DENIED IN PART:**

- a. The Bank of America Motion is **DENIED** as to Count IV, the Debtor's claim under 11 U.S.C. §362(k).
  - b. The Bank of America Motion is **GRANTED** as to all other claims, including all claims against National Residential Assets Corp.
  - c. Count I of the Complaint is **DISMISSED WITHOUT LEAVE TO AMEND**.
  - d. Counts II and II of the Complaint are **DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION**.
2. In Adv. No. 16-362, the United Guaranty Motion is **GRANTED** and
  - a. Counts I, II and III are **DISMISSED WITHOUT LEAVE TO AMEND**.
  - b. Counts IV and V are **DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION**.
3. In Adv. No. 16-265, Bank of America shall file an Answer to the Amended Complaint **on or before October 10, 2017**.

Date: September 18, 2017



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**ERIC L. FRANK**  
**CHIEF U.S. BANKRUPTCY JUDGE**